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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT RICHLAND**

11 STATE OF WASHINGTON, et al.,

12 Plaintiffs,

13 v.

14 UNITED STATES DEPARTMENT  
15 OF HOMELAND SECURITY, a  
16 federal agency, et al.

17 Defendants.

NO. 4:19-cv-05210-RMP

DECLARATION OF SARAH K.  
PETERSON IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR § 705 STAY PENDING  
JUDICIAL REVIEW OR FOR  
PRELIMINARY INJUNCTION

NOTED FOR: October 3, 2019  
With Oral Argument at 10:00 a.m.

17 I, Sarah K. Peterson, declare as follows:

18 1. I am over the age of 18, competent to testify as to the matters herein  
19 and make this declaration based on my personal knowledge.

20 2. I am the Washington State Refugee Coordinator and the Chief of  
21 Washington's Office of Refugee and Immigrant Assistance (ORIA) within the  
22

1 Community Services Division of the Economic Services Administration (ESA)  
2 at the Washington Department of Social and Health Services. Prior to joining  
3 ORIA in 2014, I worked for 14 years in nonprofit organizations that served  
4 immigrant and refugee communities in Philadelphia, Pennsylvania. In 2003, I  
5 earned my Master's Degree in Social Work from the University of Pennsylvania.  
6 I worked for [HIAS Pennsylvania](#) (Hebrew Immigrant Aid Society) for eight years  
7 helping to support their work in Philadelphia providing immigration legal  
8 services and refugee resettlement. It is at this organization that I gained direct  
9 experience helping people navigate federal immigration processes as well as  
10 access to public benefits programs. Part of my role was to help people in the  
11 community understand the public charge policy and how it might impact  
12 someone's immigration status when they applied for lawful permanent residency.

13 3. In my role as the Washington State Refugee Coordinator, I work  
14 directly with eight refugee resettlement agencies and other stakeholders in the  
15 local communities to ensure that services are available to help successfully  
16 resettle refugees in these local communities. In addition, I manage Washington's  
17 Office of Refugee and Immigrant Assistance, which invests over \$25 million  
18 annually of state and federal resources to provide low-income refugees and  
19 immigrants with the services and assistance they need to achieve economic  
20 stability and integration into our local communities. ORIA accomplishes this by  
21 partnering with more than 60 different organizations across the state to provide  
22 direct services. These organizations include refugee resettlement agencies,

1 nonprofit organizations, ethnic community-based organizations, state colleges,  
2 public health departments, federally qualified health centers, and other state  
3 agencies. ORIA values our community partners, and my team of professional  
4 staff and I engage with these community stakeholders on a monthly and quarterly  
5 basis to understand how the programs that we oversee are impacting the lives of  
6 the more than 10,000 refugees and immigrants each year. This regular  
7 community engagement enables ORIA to learn and receive feedback about how  
8 state and federal policies impact people in the community.

9       4. ORIA is housed within the Community Services Division (CSD),  
10 which is a Division within the Economic Service Administration (ESA), which  
11 is one of six administrations of the Washington Department of Social and Health  
12 Services (DSHS). My position reports directly to Babs Roberts, the Director of  
13 the Community Service Division, who reports to David Stillman, the Assistant  
14 Secretary of the Economic Services Administration. ESA's core services focus  
15 on poverty reduction and safety net programs, child support services, and  
16 disability determinations. In 2018, roughly one in four Washington residents  
17 turned to ESA for assistance with cash, food, child support, child care, disability  
18 determinations, support for transitioning to employment, and other services.  
19 ESA's Community Services Division (CSD) operates the federal and state public  
20 assistance programs that help low-income people meet their foundational needs  
21 and achieve economic security. Major programs include Temporary Assistance  
22 for Needy Families (TANF) and WorkFirst (Washington's welfare to work

1 program), Basic Food (food assistance) and Basic Food Employment and  
2 Training, Refugee Cash Assistance, and others. ORIA works within CSD to  
3 ensure that refugee and immigrant families and individuals receiving public  
4 assistance have access to culturally sensitive and linguistically appropriate  
5 programs to transform their lives.

6 5. I understand that the U.S. Department of Homeland Security (DHS)  
7 has published a new regulation on the public charge ground of inadmissibility  
8 under the Immigration and Nationality Act, and I have reviewed the rule. As I  
9 understand it, the public charge rule <sup>1</sup>would allow the federal government to  
10 expand its consideration of a person's past use of public benefits, including  
11 specified federal programs as well as state cash assistance for income  
12 maintenance, and future need for public assistance, in determining whether  
13 someone should be eligible for lawful permanent residency, a new visa, or for an  
14 extension of stay or change of stay from an existing visa. As a result of that  
15 change, I believe the public charge rule will discourage a large number of legally  
16 present noncitizens from accessing health, nutrition, and social services that they  
17 need to thrive in Washington communities. Evidence from prior changes in  
18 immigration policy strongly suggests that many immigrants who are *not* subject  
19 to the public charge test will nevertheless withdraw from a broad array of public  
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21 <sup>1</sup> [https://www.federalregister.gov/documents/2019/08/14/2019-17142/](https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds)  
22 [inadmissibility-on-public-charge-grounds](https://www.federalregister.gov/documents/2019/08/14/2019-17142/inadmissibility-on-public-charge-grounds)

1 programs and services out of confusion, fear, or an abundance of caution.  
 2 Following the passage of PRWORA in 1996, thousands of immigrant families  
 3 withdrew from public benefits programs *for which they were eligible*.<sup>2</sup> It is  
 4 reasonable to assume that this type of disenrollment will continue, and will  
 5 include two types of erroneous disenrollment: (i) immigrants who are *not* subject  
 6 to the public charge test, such as refugees, and (ii) immigrants who are  
 7 disenrolling even from services that are not included in the public charge  
 8 determination.

9 According to the Migration Policy Institute, changes in the behavior of  
 10 immigrant families following the passage of the 1996 welfare law provide the  
 11 best available evidence of the potential effects of the proposed public-charge  
 12 rule.<sup>3</sup> A comprehensive review of studies done following the introduction of  
 13 \_\_\_\_\_

14 <sup>2</sup> M. Fix & J. Passel, *Trends in Noncitizens' and Citizens' Use of Public*  
 15 *Benefits Following Welfare Reform* (March 1999), [https://www.urban.org/](https://www.urban.org/research/publication/trends-noncitizens-and-citizens-use-public-benefits-following-welfare-reform)  
 16 [research/publication/trends-noncitizens-and-citizens-use-public-benefits-](https://www.urban.org/research/publication/trends-noncitizens-and-citizens-use-public-benefits-following-welfare-reform)  
 17 [following-welfare-reform](https://www.urban.org/research/publication/trends-noncitizens-and-citizens-use-public-benefits-following-welfare-reform). See also L. Ku & A. Freilich, *Caring for Immigrants:*  
 18 *Health Care Safety Nets in Los Angeles, New York, Miami, and Houston*  
 19 (Feb. 2001), <https://files.eric.ed.gov/fulltext/ED453330.pdf>.

20 <sup>3</sup> J. Batalova, M. Fix, M. Greenberg, *Chilling Effects: The Expected Public*  
 21 *Charge Rule and Its Impact on Legal Immigrant Families' Public Benefit Use*  
 22 (June 2018).

1 welfare reform found statistically significant evidence of a withdrawal from  
 2 benefits among populations whose eligibility was unchanged by the law,  
 3 including refugees and U.S. citizen children. USDA found that food stamp use  
 4 fell by 53% among U.S. citizen children in families with a noncitizen parent  
 5 between 1994 and 1998. Fix and Passel found that it fell 60% among refugees  
 6 even though the law did not restrict their eligibility for the program, even during  
 7 their initial years in the country. Comparable figures for drops in Medicaid use  
 8 were 17% among noncitizens and 39% among refugees; for TANF, 44% and  
 9 78%.<sup>4</sup> In addition, the Urban Institute discovered in 2018 that one in nine adults  
 10 (11.7%) in families where all foreign-born family members have green cards or  
 11 US citizenship reported avoiding at least one routine activity that involves public  
 12 authorities, such as interacting with teachers, school officials, police officers, or  
 13 health care providers, driving a car, renewing or applying for a driver's license.<sup>5</sup>  
 14 Feedback from the community indicates that many refugee families who are  
 15 guaranteed access to the services provided by the Washington Office of Refugee

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 17 <sup>4</sup> *Id.*

18 <sup>5</sup> H.Bernstein, D. Gonzalez, M. Karpman, S. Zuckerman. *Adults in*  
 19 *Immigrant Families Report Avoiding Routine Activities Because of Immigration*  
 20 *Concerns*. (July 2019). Urban Institute: [https://www.urban.org/sites](https://www.urban.org/sites/default/files/publication/100626/2019.07.22_immigrants_avoiding_activities_final_v2_2.pdf)  
 21 [/default/files/publication/100626/2019.07.22\\_immigrants\\_avoiding\\_activities\\_f](https://www.urban.org/sites/default/files/publication/100626/2019.07.22_immigrants_avoiding_activities_final_v2_2.pdf)  
 22 [inal\\_v2\\_2.pdf](https://www.urban.org/sites/default/files/publication/100626/2019.07.22_immigrants_avoiding_activities_final_v2_2.pdf).

1 and Immigrant Assistance may withdraw from or decline these services out of  
2 fear. Overall, the public charge rule is likely to have a negative impact on the  
3 health and well-being of these families, slow their social integration, create new  
4 economic challenges due to a lack of stability, and make it increasingly difficult  
5 for them to become fully self-sufficient and integrated into our communities.

6 **A. Description of Relevant Program**

7 6. ESA's Community Services Division (CSD) operates 52 different  
8 Community Services Offices (CSOs) and the Community Services Call Center  
9 that process client applications and determine eligibility for one of Washington's  
10 many public assistance programs, including cash and food assistance programs.  
11 CSD issues eligible clients the appropriate cash and food assistance, and connects  
12 them to required or voluntary employment and training programs. In addition to  
13 administering public assistance programs, ORIA provides programs and services  
14 for immigrants and refugees through partners in the community. One program  
15 that we administer is the Limited English Proficiency (LEP) Pathway Program  
16 for people receiving cash assistance who need assistance in looking for and  
17 securing employment, learning English, and gaining new skills for employment.  
18 The ORIA Basic Food Employment and Training (ORIA BFET) program offers  
19 employment and training services for refugees and immigrants receiving  
20 federally-funded food stamps.

21 7. All public assistance programs have a number of eligibility  
22 requirements, which include income levels, residency in Washington state, and

1 verification of citizenship/immigration status. All federally-funded programs are  
2 limited to lawfully present immigrants who are deemed to be qualified under  
3 federally-defined eligibility standards.<sup>6</sup> Generally this includes lawful permanent  
4 residents who have been in the United States longer than five years. It also  
5 includes people resettled as refugees, granted asylum, and those who meet other  
6 humanitarian visas. Washington state invests general state funds to assist  
7 individuals and families who are ineligible for federal programs to include  
8 lawfully present noncitizens who fail to meet federal eligibility qualifications  
9 established in the Personal Responsibility and Work Opportunity Act (PROWA)  
10 of 1996.<sup>7</sup>

11 8. ESA provides a variety of public assistance programs that draw from  
12 both federal and state resources. ESA's federally funded programs include  
13 Temporary Assistance for Needy Families (TANF), which is administered by the  
14 U.S. Department of Health and Human Services, and Supplemental Nutrition  
15 Assistance Programs (SNAP), which is administered by U.S. Department of  
16 Agriculture Food and Nutrition Service. All federally funded programs exclude  
17 non-citizens who do not meet federally defined eligibility standards. Washington  
18 State invests general state funds to expand state-based eligibility to certain  
19 non-citizens who are ineligible for federally-funded programs because of their  
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21 <sup>6</sup> Wash. Admin. Code § 388-424-0001.

22 <sup>7</sup> Wash. Admin. Code §§ 388-400-0050, 388-424-0015, 388-424-0030



1 immigration status. These programs include State Family Assistance and the  
 2 Food Assistance Program for Legal Immigrants. In addition, the state uses state  
 3 general funds to support cash assistance programs for individuals not otherwise  
 4 eligible for TANF, such as the Aged, Blind or Disabled Program, Pregnant  
 5 Women's Assistance, Consolidated Emergency Assistance Program, and State  
 6 Supplemental Payment.

7 Washington's public assistance programs administered by ESA are funded  
 8 by a blend of federal and state dollars. The Temporary Assistance for Needy  
 9 Families (TANF) program,<sup>8</sup> utilizes federal funds from the U.S. Department of  
 10 Health and Human Services and state funding to provide cash assistance to  
 11 parents/caregivers with children and pregnant individuals to bolster their ability  
 12 to meet their families' foundational needs, including a safe home, healthy food,  
 13 reliable transportation, and school supplies. In State Fiscal Year 2017, the  
 14 average monthly caseload for TANF recipients was 28,555 cases with a monthly  
 15 average assistance of \$408.20.<sup>9</sup> During the 2017-2019 Biennium, Washington  
 16 projects to spend \$262,495,000 (\$244,127,000 federal and \$18,368,000 state) in  
 17 service dollars and \$141,385,000 (\$69,070,000 federal and \$72,315,000 state) in  
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19 <sup>8</sup> 8 U.S.C. §§ 1611(a), (c)(1)(B), 1612(b)(3)(C).

20 <sup>9</sup> DSHS, Econ. Servs. Admin., *Program Briefing Book for State Fiscal*  
 21 *Year 2017, TANF/SFA/WorkFirst*, [https://www.dshs.wa.gov/sites/default/files/](https://www.dshs.wa.gov/sites/default/files/ESA/briefing-manual/2017TANF_WorkFirst.pdf)  
 22 [ESA/briefing-manual/2017TANF\\_WorkFirst.pdf](https://www.dshs.wa.gov/sites/default/files/ESA/briefing-manual/2017TANF_WorkFirst.pdf).

1 administrative costs.

2 Washington operates a state-funded program titled State Family Assistance that  
 3 makes income assistance available to individuals who are ineligible for TANF,  
 4 including some noncitizens.<sup>10</sup> Some families may contain people with different  
 5 immigration status that qualify them to receive both TANF and SFA. Out of the  
 6 monthly average caseload of 28,555, 97.1% of cases were TANF only (meaning  
 7 that they met the federal eligibility qualifications), 1.7% received a mix of TANF  
 8 and State Family Assistance (SFA), and 1.3% received SFA only.<sup>11</sup> DSHS  
 9 estimates that approximately six to seven percent of the combined TANF and  
 10 SFA caseload have someone who is a noncitizen.

11 Washington provides certain pregnant non-citizens who are ineligible for  
 12 TANF with assistance through the state-funded Pregnant Women Assistance  
 13 program.<sup>12</sup> In addition, Washington provides certain non-citizen families and  
 14 pregnant residents with emergency income assistance through the state-funded  
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 18 <sup>10</sup> Wash. Rev. Code § 74.08A.100.

19 <sup>11</sup> DSHS, Econ. Servs. Admin., *Program Briefing Book for State Fiscal*  
 20 *Year 2017, TANF/SFA/WorkFirst*, [https://www.dshs.wa.gov/sites/default/files](https://www.dshs.wa.gov/sites/default/files/ESA/briefing-manual/2017TANF_WorkFirst.pdf)  
 21 [/ESA/briefing-manual/2017TANF\\_WorkFirst.pdf](https://www.dshs.wa.gov/sites/default/files/ESA/briefing-manual/2017TANF_WorkFirst.pdf).

22 <sup>12</sup> Wash. Rev. Code § 74.62.030(2).

1 Consolidated Emergency Assistance Program.<sup>13</sup> This funding is used to alleviate  
 2 emergency conditions by providing cash to assist with food, shelter, clothing,  
 3 medical care, or other necessary items. Another state funded cash program is the  
 4 State Supplemental Program with helps certain clients who the Social Security  
 5 Administration determines are eligible for Supplement Security Income.

6 9. The benefits and services offered by ESA that fall within the scope  
 7 of the new public charge rule include cash and food assistance. The Temporary  
 8 Assistance for Needy Families (TANF) program, which is funded by a blend of  
 9 federal funds from the U.S. Department of Health and Human Services and state  
 10 funding, provides cash assistance to parents/caregivers with children and  
 11 pregnant individuals to bolster their ability to meet their families' foundational  
 12 needs, including a safe home, healthy food, reliable transportation, and school  
 13 supplies. State Family Assistance (SFA) makes income assistance available to  
 14 individuals who are ineligible for TANF, including some non-citizens.<sup>14</sup> Some  
 15 families may contain people with different immigration status that qualify them  
 16 to receive both TANF and SFA.

17 Washington's Basic Food program provides assistance for children and  
 18 adults to purchase and access nutritious foods. The program combines federally

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20 <sup>13</sup> Wash. Rev. Code § 74.04.660(3)(a); Wash. Admin. Code  
 21 § 388-436-0015.

22 <sup>14</sup> Wash. Rev. Code § 74.08A.100

1 funded SNAP and the state-funded Food Assistance Program for Legal  
2 Immigrants (FAP). FAP is used for individuals who are lawfully present and meet  
3 all eligibility requirements for SNAP except citizenship or immigration status.<sup>15</sup>  
4 To qualify for Basic Food, a household's earnings must fall below 200%  
5 (\$41,560 for a family of three) of the federal poverty level.

6 The Supplemental Nutrition Assistance Program (SNAP) was created in  
7 1977. SNAP provides food purchasing assistance to low-income individuals and  
8 families. *See* 7 U.S.C. § 2013 (2018). SNAP benefits are provided on a  
9 "household" basis. In federal law, a SNAP "household" means "an individual  
10 who lives alone or who, while living with others, customarily purchases food and  
11 prepares meals for home consumption separate and apart from the others; or a  
12 group of individuals who live together and customarily purchase food and  
13 prepare meals together for home consumption." 7 U.S.C. § 2012(m). SNAP  
14 households may use the benefit to purchase food at one of the quarter million  
15 retailers authorized by the Food and Nutrition Service to participate in the  
16 program.

17 Federal law lays out SNAP eligibility rules and benefit amounts. To  
18 qualify for benefits, a SNAP household's income generally must be at or below  
19 130% of the federal poverty level, the household's net monthly income (after  
20 deductions for expenses like housing and child care) must be less than or equal  
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22 <sup>15</sup> Wash. Admin. Code § 388-400-0050.

1 to 100% of the federal poverty level, and its assets must fall below limits  
2 identified in federal regulations.<sup>16</sup> The average monthly benefit per household is  
3 \$253, and the average monthly benefit per person is \$125 per month, or \$1.40  
4 per meal. *Id.*

5 For SNAP, adult immigrants with Lawful Permanent Residency (LPR)  
6 status are eligible after five years. Immigrant children with LPR status are eligible  
7 without a waiting period.

8 In addition to cash and food assistance, Washington has an associated  
9 employment and training programs connected to each program that are likely to  
10 be impacted by the new Public Charge Rule. Washington's WorkFirst program  
11 is for families receiving TANF or SFA. WorkFirst provides families with  
12 opportunities to engage in work activities that support financial stability and  
13 resilience. As part of the WorkFirst Program, ORIA offers the Limited English  
14 Proficiency (LEP) Pathway Program to offer employment services, job skills  
15 training, and English as a Second Language (ESL) services to nearly 5,000 people  
16 each year, the majority of whom are refugees and immigrants. DSHS infuses  
17 state-funding into this program to be able to serve those non-citizens who may  
18 be ineligible for federally-funded services.

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20 <sup>16</sup> See A Quick Guide to SNAP Eligibility and Benefits, Ctr. on Budget &  
21 Pol'y Priorities, [https://www.cbpp.org/research/a-quick-guide-to-snap-eligibility](https://www.cbpp.org/research/a-quick-guide-to-snap-eligibility-and-benefits)  
22 [-and-benefits](https://www.cbpp.org/research/a-quick-guide-to-snap-eligibility-and-benefits) (last updated Sept. 14, 2017).

1 The Washington State Basic Food Employment and Training (BFET) program  
2 provides job search, job search training, self-directed job search, educational  
3 services, skills training, and other employment opportunities to Basic Food  
4 (SNAP) recipients who are not participating in the Temporary Assistance for  
5 Needy Families WorkFirst work program. BFET is an important part of the  
6 state's comprehensive workforce development system serving the needs of  
7 low-income individuals, displaced workers, and employers by encouraging  
8 financial independence from public assistance through skill acquisition, personal  
9 responsibility and gainful employment. Washington also dedicates state-funding  
10 to support a BFET program designed specifically to provide culturally and  
11 linguistically appropriate services to more than 1,000 non-citizens in  
12 Washington. This program is only available to people who are qualified for  
13 federal benefits. People currently receiving services offered by Washington's  
14 WorkFirst Programs or Basic Food Employment and Training, which require  
15 enrollment in either TANF/SFA or SNAP for eligibility, will no longer be able  
16 to access these important programs if they refuse to participate in the associated  
17 federal program.

18 10. ESA staff serving in the Community Services Office have reported  
19 seeing an increase in the number of immigrant families asking to withdraw from  
20 food and cash assistance programs. These reports indicate that the reason for  
21 exiting the program is not due to income or employment, rather a report of  
22 concern and fear related to the public charge ruling. Anecdotal reports from ESA

1 staff increased in the winter of 2017 when a proposed Executive Order on the  
2 public charge rule leaked to the media. It received wide attention in ethnic-  
3 specific newspapers and radio. Similarly, ORIA receives frequent reports from  
4 community-based providers that people that seek their services are reluctant to  
5 access public assistance programs, such as cash and food stamps and also  
6 Medicaid, WIC, and even school lunch programs. Even when someone is  
7 eligible, staff from community organizations indicate fear being a strong  
8 motivator in the community to avoid participating in certain government funded  
9 programs.

10 In addition to anecdotal evidence, ESA has received multiple cases of  
11 immigrant families wanting to repay their cash and medical assistance costs. In  
12 February 2018, ESA's Division of Finance and Financial Recovery  
13 communicated with several immigrant clients who had received public  
14 assistance. They indicated that they had been advised to repay the amount they  
15 had receive in public assistance to avoid incurring complications with their  
16 immigration petitions. This type of interaction was new for ESA, and it is difficult  
17 for staff to provide clients with accurate information and assistance around on  
18 complex policy that could have a significant impact on their lives and livelihoods.

19 11. In May 2019, approximately 57,071 adults and children in  
20 Washington received federal or state-funded cash assistance (TANF/SFA). Out  
21 of this population, 2,070 were non-citizen adults, 1,458 were citizen children with  
22

1 non-citizen adult family members, and 2,041 were non-citizen children.<sup>17</sup>  
 2 Non-citizen recipients of cash assistance (including citizen children with  
 3 non-citizen adult family members) represent approximately 10% of the total  
 4 caseload. During the same month, 849,499 adults and children received federal  
 5 or state-funded food assistance (SNAP/FAP). Out of this population, 48,338 were  
 6 non-citizen adults, 26,794 were citizen children non-citizen adults, and 11,641  
 7 were non-citizen children.<sup>18</sup> Non-citizen recipients of food assistance (including  
 8 citizen children with non-citizen adult family members) represented  
 9 approximately 10% of the total monthly caseload. Any of the monthly caseload  
 10 of non-citizen recipients could be impacted either by the public charge rule  
 11 directly or by the fear and lack of information related to it.

12 **B. Harms to Agency Mission or Broader Harms**

13 12. The Department of Justice noted the importance of providing  
 14 comprehensive social and health services to all residents when it proposed  
 15 changes to the Inadmissibility and Deportability on Public Charge Grounds rule  
 16 in 1999, due to fear and confusion surrounding public charge at the time,

17 This situation is becoming particularly acute with respect to the  
 18 provision of emergency and other medical assistance, children'  
 immunizations, and basic nutrition programs, as well as the

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20 <sup>17</sup> DSHS/ESA/Office of the Assistant Secretary/EMAPS Assignment  
 21 #M4567 using the ACES Data Warehouse, updated July 2019.

22 <sup>18</sup> IBD



1 treatment of communicable diseases. Immigrants' fears of obtaining  
 2 these necessary medical and other benefits are not only causing them  
 3 considerable harm, but are also jeopardizing the general public. For  
 4 example, infectious diseases may spread as the numbers of  
 5 immigrants who decline immunization services increase. Concern  
 6 over the public charge issue is further preventing [immigrants] from  
 7 applying for available supplemental benefits, such as child care and  
 8 transportation vouchers, that are designed to aid individuals in  
 9 gaining and maintaining employment. In short . . . [the fear and  
 10 confusion around Public Charge] is undermining the Government's  
 11 policies of increasing access to health care and helping people to  
 12 become self-sufficient.<sup>19</sup>

13 One of ESA's core missions is to reduce the number of people living in poverty.

14 Federal and state cash and food assistance programs help to keep people from  
 15 living in deep poverty without food, housing, and basic essentials. Many other  
 16 ESA programs, such as those administered by the Office of Refugee and  
 17 Immigrant Assistance provide support services and resources to help people gain  
 18 skills and employment and eliminate barriers to becoming economically stable in  
 19 their communities. The proposed public charge rule creates walls that prevent  
 20 ESA from being able to reach Washingtonians who may be non-citizens. ESA's  
 21 Office of Refugee and Immigrant Assistance administers a program that helps  
 22 low-income immigrants and refugees apply for U.S. citizenship. The public

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<sup>19</sup> 64 Fed. Reg. 28676 (May 26, 1999), [www.gpo.gov/fdsys/pkg/FR-1999-05-26/html/99-13188.htm](http://www.gpo.gov/fdsys/pkg/FR-1999-05-26/html/99-13188.htm) (last visited August 1, 2019)

1 charge rule may prevent individuals and families from receiving the resources  
2 and supports that they need to thrive and become fully integrated into our local  
3 communities through naturalization.  
4

5 13. The Washington Department of Social and Health Services  
6 developed estimates of the impact of the proposed rules on the use of food, cash,  
7 and medical assistance for the programs identified above. While we developed  
8 these estimates in response to the proposed rule, having now reviewed the final  
9 rule, there has been no change that would materially change these estimates. For  
10 each program, the number of affected families and total expenditures for cases  
11 including persons other than a U.S. citizen were identified for the month of  
12 August 2018. To forecast program expenditures through CY 2021, for purposes  
13 of these calculations, we assumed that caseloads associated with noncitizens  
14 would remain constant at August 2018 levels.

15 Following the approach taken in national estimates developed by the  
16 Kaiser Family Foundation, we estimated that when fully implemented, the  
17 proposed rules would lead to disenrollment rates ranging from 15% to 35%  
18 among food, cash, and medical assistance enrollees in cases including a  
19 noncitizen.<sup>20</sup> These estimates reflect impacts on noncitizens without Legal  
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21 <sup>20</sup> See S. Artiga, R. Garfield, A. Damico, *Estimated Impacts of the*  
22 *Proposed Public Charge Rule on Immigrants and Medicaid* (Henry J. Kaiser

1 Permanent Residence (LPR) status who would withdraw because participation in  
 2 the program could negatively affect their chances of attaining LPR status, as well  
 3 as disenrollment resulting from a “chilling effect” among a broader group of  
 4 enrollees in immigrant families, including effects on their U.S. born children. The  
 5 assumed disenrollment rate range draws from previous research on the effect of  
 6 welfare reform era rule changes on enrollment in health coverage among  
 7 immigrant families.<sup>21</sup>

8 With regard to participation in food or cash assistance programs  
 9 administered by the DSHS Economic Services Administration, we estimate that  
 10 at full implementation the Proposed Rules will cause:

- 11 • \$23.7 to \$55.3 million annual reduction in food and cash assistance  
 12 to needy families;
- 13 • \$41.8 to \$97.5 million annual reduction in total economic output;

14  
 15 Family Foundation Oct. 11, 2018), [https://www.kff.org/disparities-policy/issue-](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/)  
 16 [brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/)  
 17 [-medicaid/](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/) [last accessed Dec. 1, 2018].

18 <sup>21</sup> See N. Kaushal and R. Kaestner, *Welfare Reform and Health Insurance*  
 19 *of Immigrants*, 40(3) Health Serv. Res. 697-722 (June 2005), [https://www.ncbi.](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361164/)  
 20 [nlm.nih.gov/pmc/articles/PMC1361164/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361164/) [last accessed Dec. 1, 2018]; M. Fix and  
 21 J. Passel, *Trends in Noncitizens’ and Citizens’ Use of Public Benefits Following*  
 22 *Welfare Reform 1994-97* (The Urban Institute March 1, 1999).

- \$15.7 to \$36.7 million annual reduction in wages, salaries, and benefits for workers; and
- the destruction of 334 to 782 jobs.

The Washington economy would be directly impacted due to a reduction in economic activity in industries that include retailers such as grocery stores and other merchants, transportation services, rental housing, and education and child care services. Each of the direct impacts in these economic sectors are estimated in terms of their change in output in their respective sector.

Further, the Washington State Input-Output (I-O) model was used to calculate the indirect economic impacts of the Proposed Rules from multiplier effects flowing from the direct impacts of reduced assistance to needy families. As the direct impact ripples through the State's economy, the I-O model projected the loss of economic activity, labor income, and jobs noted above.<sup>22</sup>

### **C. Pecuniary or Direct Harms to Agency**

14. Any decrease in federal funding for the direct client services provided through ESA will also impact ESA's administrative funding. ESA's administrative cost structure is a "benefitting methodology" that attributes costs to all fund sources, including TANF and SNAP, based on the level of benefit each program counts from ESA's administrative functions. If the federally

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<sup>22</sup> Beyers, William; and Lin, Ta-Win; *The 2007 Washington Input-Output Study* <https://www.ofm.wa.gov/washington-data-research/economy-and-labor-force/washington-input-output-model/2007-washington-input-output-model>.

1 funded portion from TANF and SNAP decreases and the state funded portion  
2 increases, the balance of state and federal funding changes to align with that shift  
3 resulting in increased administrative costs to Washington.

4 **D. Harms to Individuals Served by Agency**

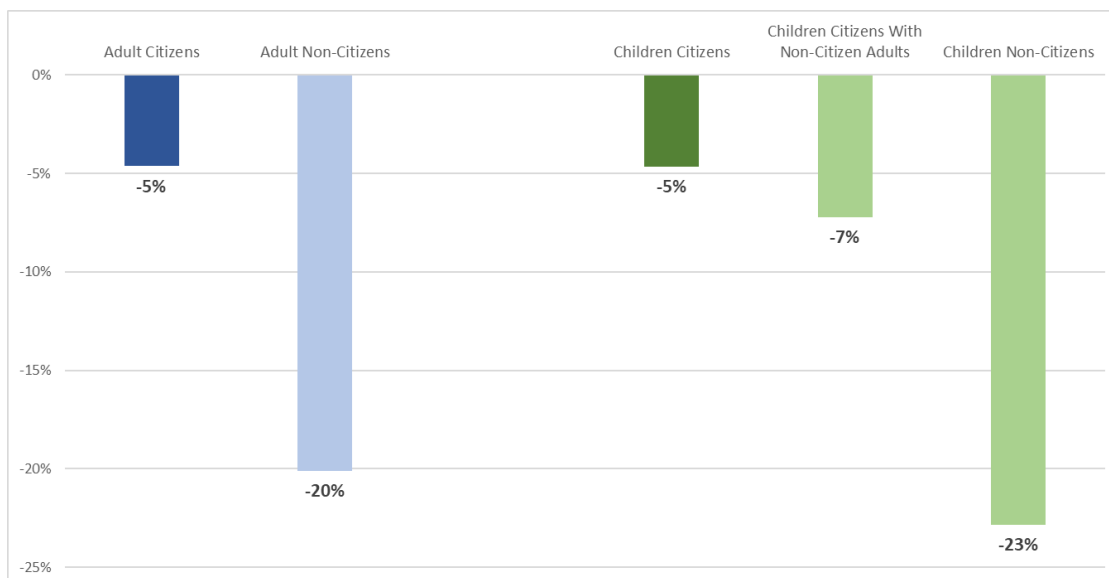
5 15. Since the formal release of the proposed changes to the public  
6 charge rule in October 2018, I have been working with ESA's Management  
7 Accountability and Performance Statistics (EMAPS) team to analyze the monthly  
8 caseload data for cash and food assistance programs for July 2015 to the present.  
9 The data is disaggregated for citizen and non-citizen children and adults. The data  
10 shows an overall percent decline in both the TANF and SNAP average monthly  
11 caseloads for both citizens and noncitizens. However, the pace of decline in the  
12 non-citizen caseload is notably faster than the citizen caseload, suggesting that  
13 factors above improving economic conditions may be at play.

14 Between 2017 and 2018, a period in which the federal administration made  
15 significant changes to refugee resettlement policy and also leaked information on  
16 a proposed change to the public charge policy, the non-citizen average monthly  
17 caseload for adults receiving TANF declined by 20%, compared to five percent  
18 for the citizen adult caseload. During the same period, the non-citizen child  
19 TANF caseload declined by 23%, compared to a five percent decline for the  
20 citizen child caseload (note that "mixed status" households – children who are  
21 citizens living with adult non-citizens – also experienced a larger decline than  
22 citizen households, but not as dramatic).

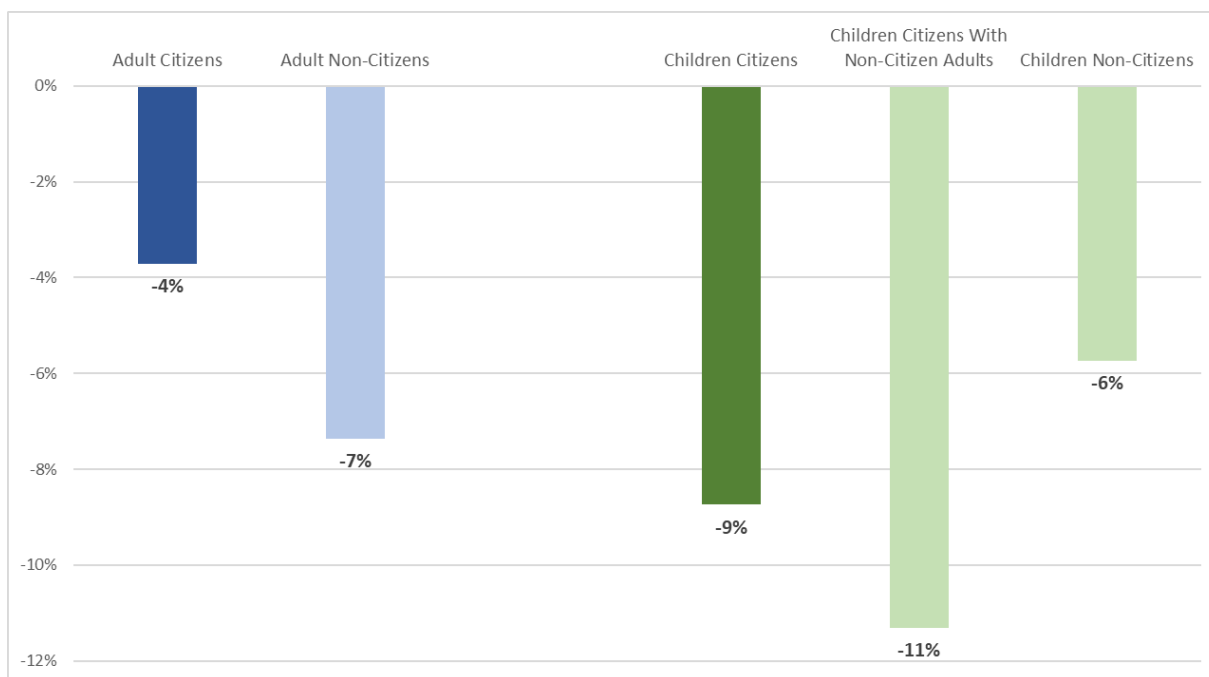
1 A similar, though less dramatic decline occurred for families in the  
2 SNAP/FAP program. Between 2017 and 2018, the decline in the non-citizen  
3 adult average monthly caseload (7.4%) was double that of the citizen adult case  
4 load (3.7%). The data for the SNAP/FAP program participation for non-citizen  
5 children declined at a slower rate than for citizen children. Citizen children with  
6 non-citizen adults, however, declined by 11% compared with 9% for the citizen  
7 children.

8 This analysis suggests that the overall federal immigrant and refugee  
9 policy climate is likely having a chill effect on participation, even if it is not  
10 possible to attribute the declines to any one policy (e.g., public charge). For  
11 example, under the current administration there has been an overall decline in  
12 refugee resettlement, as well as discussion of public charge, both of which may  
13 be contributing to the decline above and beyond the effects of an improving  
14 economy.

**Chart 1. Percent change in Adults and Child TANF/SFA Caseload, Washington State 2017 to 2018:**



**Chart 2. Percent change in Adults and Child SNAP/FAP Caseload, Washington State 2017 – 2018:**



1           16. Following the approach taken in national estimates developed by the  
 2 Kaiser Family Foundation, we estimate that when fully implemented, the final  
 3 rule could lead to disenrollment rates ranging from 15 to 35% among food, cash,  
 4 and medical assistance enrollees in cases including a non-citizen.<sup>23</sup> These  
 5 estimates reflect impacts on non-citizens without LPR status who would  
 6 withdraw because participation in the program could negatively affect their  
 7 chances of attaining LPR status, as well as disenrollment resulting from a  
 8 “chilling effect” among a broader group of enrollees in immigrant families,  
 9 including effects on their U.S. born children. The assumed disenrollment rate  
 10 range draws from previous research on the effect of welfare reform era rule  
 11 changes on enrollment in health coverage among immigrant families.<sup>24</sup>

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12  
 13           <sup>23</sup> See S. Artiga, R. Garfield, A. Damico, *Estimated Impacts of the*  
 14 *Proposed Public Charge Rule on Immigrants and Medicaid* (Henry J. Kaiser  
 15 Family Foundation Oct. 11, 2018), [https://www.kff.org/disparities-policy/issue-](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/)  
 16 [brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/)  
 17 [-medicaid/](https://www.kff.org/disparities-policy/issue-brief/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicaid/) [last accessed Dec. 1, 2018].

18           <sup>24</sup> See N. Kaushal and R. Kaestner, *Welfare Reform and Health Insurance*  
 19 *of Immigrants*, 40(3) Health Serv. Res. 697-722 (June 2005),  
 20 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361164/> [last accessed  
 21 Dec. 1, 2018]; M. Fix and J. Passel, *Trends in Noncitizens’ and Citizens’ Use of*  
 22 *Public Benefits Following Welfare Reform 1994-97* (The Urban Institute



1 I declare under penalty of perjury under the laws of the State of  
2 Washington and the United States that the foregoing is true and correct.

3 DATED this 5 day of September, 2019, at Seattle, WA.

4   
5 SARAH K. PETERSON  
6 Washington State Refugee Coordinator  
7 Chief of ORIA  
8 Community Services Division of the  
9 Economic Services Administration,  
10 Washington Department of Social and  
11 Health Services  
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21 March 1, 1999), <https://www.urban.org/research/publication/trends-noncitizens->  
22 [and-citizens-use-public-benefits-following-welfare-reform/view/full\\_report](https://www.urban.org/research/publication/trends-noncitizens-and-citizens-use-public-benefits-following-welfare-reform/view/full_report) [last  
accessed Dec. 7, 2018].

**DECLARATION OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 6th day of September, 2019, at Tumwater, Washington.

/s/ Sara M. Cearley  
SARA M. CEARLEY  
Paralegal